

the superior court, and they shall within ten days after the report of said jury shall be filed in the office of the clerk of the superior court serve notice upon the adverse party of the appeal taken, and thereupon the clerk shall transfer said cause and all papers connected therewith to the civil issue docket of said court for trial: *Provided further*, that the appeal shall not have the effect of vacating or suspending the verdict and judgment of the jury; but notwithstanding an appeal shall be taken to the superior court, the superintendent of roads or the supervisor, upon the payment or tender to the land-owner of the amount as fixed by the jury, shall have the right to enter upon said land at once and to cause the same to be taken and used as a public road. And any and all damages under this section which may be assessed against the county shall be paid out of the funds of the township within which the land is located.

Proviso: appeal not to vacate nor suspend judgment.

Obstruction of surveys a misdemeanor.

Penalty.

Obstructing officers opening road a misdemeanor.

Penalty.

County attorney to prosecute.

Entrance on lands and taking material.

Interference a misdemeanor.

Penalty.

Accounts for material taken.

SEC. 31. Any person who shall obstruct the county superintendent or any supervisor or any surveyor employed by him or them, or who shall obstruct the persons engaged in making any survey under the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court. And any person or persons who shall obstruct the county superintendent of roads or the township supervisors from opening said changed road or said new road shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court, and it shall be the duty of the county attorney to prosecute violations under this section.

SEC. 32. That for the purpose of carrying out the provisions of this act the said superintendent of roads and the said supervisors, after first consulting the owner or agent of the land from which material for repairing roads is needed, are hereby authorized to enter upon any lands near to or adjoining any public road and to cut and carry away any timber, except trees or groves on improved land planted for ornament or shade, to dig or cause to be dug and carried away any gravel, sand, clay or stone which may be necessary to construct, improve or repair any road, and to enter on any land adjoining or lying near the road in order to make such changes as may be necessary, doing as little injury to the land or improvements thereon as the nature of the case and the public good will permit, and any person who shall interfere with the superintendent of roads or any township or district supervisor in the discharge of his duties hereunder shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 33. The owner of land from which any material shall be taken, as aforesaid, shall present an account of the same to the superintendent of roads or to the supervisor, and it shall be the duty of the road superintendent or the supervisor to draw an